HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

23

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Transfer Petition [Cr.] No.13/2007

[Single Bench; Hon'ble Mr. Justice Dhirendra Mishra]

PETITIONER — Krishna Yadav, widow of Late Kanti Kumar Yadav, aged about 42 years, R/o Village Kharod, P.S. Shivrinarayan, Tehsil Pamgarh, District Janjgir-Champa C.G.

Vs

RESPONDENT

1. State of Chhattisgarh, through Secretary, Department of Home, D.K.S. Bhawan, Raipur (C.G.).
2. Station House Officer, P.S. Shivrinarayan, Tehsil Pamgarh, District Janjgir-Chamap (C.G.)
3. Gayatri Sharma, wife of Dinesh Sharma, aged about 32 years, Assistant Police Inspector, Police Line, Janjgir-Champa CG
4. Onkar Prasad Dubey, S/o R.P. Dubey, aged about 54 years, Head Constable No.176, Police Line, Janjgir-Champa CG

26.10.2007

Mr. Saleem Kazi, Advocate for the petitioner.

Mr. G.K. Beriwal, Dy. Adv. Gen. for the State.

Heard on admission.

This transfer petition under Section 407 of the Cr.P.C. has been preferred by the petitioner for transferring the S.T. No.157/07 pending in the Court of 2nd Additional Sessions Judge (FTC), Janjgir-Champa on the ground that respondent No.3/accused was posted as Assistant Police Inspector, Police

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मामला क्रमांक CrPe 13 सन् 2007

(24)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Line, Janjgir-Champa, whereas, her husband Dinesh is also posted in the office of Superintendent of Police, Janjgir-Champa and as such, they have considerable influence over the local authorities and they are in a position to influence the trial. Application of the petitioner for appointment of the Special Prosecutor to prosecute the offence was not allowed, however, the Collector has directed the Public Prosecutor to conduct the case even then the trial is being conducted by the Additional Public Prosecutor and in these circumstances the petitioner has bona fide apprehension that she may not get justice.

Learned counsel for the petitioner submitted that the charge sheet has been filed against the accused persons, the trial has already commenced and three witnesses have been examined so far.

After hearing learned counsel for the petitioner, this Court is of the considered opinion that since charge sheet has already been filed and the trial is pending in the court, the local authorities had absolutely no role in continuance of the trial, which may influence the outcome of the trial. Therefore, the grounds taken by the petitioner for transfer of the matter are not sufficient. However, it is open to the petitioner to engage private counsel to assist the prosecution in accordance with the Code of Criminal Procedure, 1973.

In the result, the petition preferred by the petitioner has no substance, the same is liable to be dismissed and it is hereby dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

[पीछे देखिये